

REMARKS

In an Office Action dated May 27, 2009 ("Office Action"), the Examiner objected to claims 21-41 because of alleged informalities; rejected claims 24-41 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter; rejected claims 21-23, 26-27, 29, 32-33, and 36-41 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,659,616 to Sudia ("*Sudia*"); rejected claims 24-25 under 35 U.S.C. §103(a) as being unpatentable over *Sudia* in view of U.S. Patent No. 5,956,408 to Arnold ("*Arnold*"); rejected claim 28 under 35 U.S.C. §103(a) as being unpatentable over *Sudia* in view of U.S. Patent No. 5,537,618 to Boulton et al. ("*Boulton*"); rejected claim 30 under 35 U.S.C. §103(a) as being unpatentable over *Sudia* in view of U.S. Patent No. 5,677,955 to Doggett et al. ("*Doggett*"); rejected claim 31 under 35 U.S.C. §103(a) as being unpatentable over *Sudia* in view of *Doggett* in further view of U.S. Patent No. 5,724,424 to Gifford ("*Gifford*"); and rejected claims 34-35 under 35 U.S.C. §103(a) as being unpatentable over *Sudia* in further view of U.S. Patent No. 5,978,567 to Rebane et al. ("*Rebane*").

By this Amendment, Applicants have amended claims 21-24, 26, 30, 35, 38-39, and 41. These amendments add no new matter and are fully supported by the specification. In addition, without prejudice or disclaimer, Applicants herein cancel claim 40. Claims 21-39 and 41-63 are now pending in this application, of which, claims 21-39 and 41 are currently presented for examination, and claims 42-63 have been withdrawn. Applicants respectfully traverse the remaining rejections and request reconsideration based on the following remarks. Further, Applicants do not necessarily agree with or acquiesce in the Examiner's characterization of the claims or the applied references, even if those characterizations are not addressed herein.

Objections to the Claims

The Examiner objected to claims 21-41 because of alleged informalities. Herein, Applicants have amended claim 21 in an attempt to address the Examiner's concerns.

Accordingly, in light of these amendments, Applicants respectfully request that the Examiner withdraw the objections to claims 21-41.

Claim Rejections Under 35 U.S.C. §101

Claims 21-41 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. In particular, the Examiner asserts that the claims are not “tied to a particular machine” nor do they “transform[] underlying subject matter.” *Office Action, page 4.*

While respectfully disagreeing with the Examiner’s assertions, in an attempt to expedite prosecution, Applicants have amended independent claim 21 to recite that the claimed “receiving,” “determining,” “issuing,” sending,” and “collecting” actions are performed at/by a “first electronic appliance.” Accordingly, the claimed method is tied to a machine, and thus satisfies the machine-or-transformation test set forth by the Court of Appeals for the Federal Circuit in *In re Bilski*. Therefore, claim 21 as amended is directed to statutory subject matter under 35 U.S.C. §101. For at least the same reasons, dependent claims 22-39 and 41 are also directed to statutory subject matter. Applicants therefore respectfully request that the Examiner withdraw the rejections of claims 21-39 and 41 under 35 U.S.C. §101.

Claim Rejections Under 35 U.S.C. §102

Applicants respectfully request reconsideration of the rejection of claims 21-23, 26-27, 29, 32-33, and 36-41 because *Sudia* fails to anticipate the claims at issue. In order to properly anticipate Applicants’ claims under 35 U.S.C. §102, each and every element of the claims must be “either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. v. Union Oil. Co. of California*, 814 F.2d 628, 631, 2 USPTQ.2d 1051, 1053 (Fed. Cir. 1987). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” M.P.E.P. §2131, 8th Ed., Rev. 7 (July 2008), internal citation omitted, *Emphasis added*. Applicants respectfully submit that *Sudia* cannot anticipate claims 21-23, 26-27, 29, 32-33, and 36-39 and 41 because *Sudia* fails to disclose, or even suggest, each and every element recited respectively therein.

Although Applicants respectfully disagree with the merits of the Examiner's rejections, solely in the interest of furthering prosecution, Applicants have amended claims 21-24, 26, 30, 35, 38-39, and 41. Amended claim 21 recites a method for providing access to an online service that includes, *inter alia*, "collecting, by [a] first electronic appliance, information relating to [a] user's use of [an] online service." Applicants respectfully submit that *Sudia* fails to disclose or suggest at least these claim features.

Sudia generally discloses methods of using "digital signatures and certificates for digital signatures in a commercial cryptographic system for enforcing security policies and authorization requirements in a manner that reduces risks to users." *Sudia*, Col. 1: ll. 11-15. Particularly, *Sudia* discloses methods that utilize "public key certificates" created by a trusted issuer and "attribute certificates ... created on presentation of ... proper credentials by [a] user," in a system for enforcing electronic security policies. See *e.g.*, *Id.* at Col. 3: ll. 42-57, Col. 4: ll. 16-20, and Col. 5: ll. Nowhere, however, in the passages cited by the Examiner or elsewhere, does *Sudia* disclose, or even suggest, a method for providing access to an online service that includes, *inter alia*, "collecting, by [a] first electronic appliance, information relating to [a] user's use of [an] online service," as recited in claim 21. Rather, *Sudia* is limited to a "signature verification model" where no collection relating to a user's use of an online service is performed. Accordingly, *Sudia* fails to disclose or suggest each and every element recited in claim 21.

According to the M.P.E.P., "[i]n order to anticipate the claims, the claimed subject matter must be disclosed in the reference with 'sufficient specificity to constitute an anticipation under the statute.'" M.P.E.P. §2131.03. As demonstrated above, *Sudia* fails to provide the necessary disclosure to be anticipatory of claim 21. Therefore, Applicants respectfully submit that claim 21 is allowable. Claims 21-23, 26-27, 29, 32-33, 36-39, and 41 depend from claim 21 and are therefore allowable for at least the same reasons as claim 21. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 21-23, 26-27, 29, 32-33, 36-39, and 41 under 35 U.S.C. §102(e).

Claim Rejections Under 35 U.S.C. §103

Applicants respectfully traverse the rejection of claims 24-25, 28, 30-31, and 34-35 under 35 U.S.C. §103(a) because a *prima facie* case of obviousness has not been established with respect to these claims.

Claims 24-25

Claims 24-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Sudia* in view of *Arnold*. Claims 24-25 depend from claim 21 and therefore incorporate all of the elements recited in claim 21. As discussed above, *Sudia* fails to disclose, or even suggest, a method for providing access to an online service that includes, *inter alia*, “collecting, by [a] first electronic appliance, information relating to [a] user’s use of [an] online service,” as recited in claim 21. Applicants respectfully submit that *Arnold* fails to cure at least the aforementioned deficiencies of *Sudia*.

Arnold generally discloses an “apparatus and method for secure distribution of software, software updates, and configuration data.” *Arnold*, Col. 1: ll. 11-13. More specifically, *Arnold* discloses an apparatus that utilizes “cryptography ... to protect software or data updates sent to computer products or peripherals using non-secure distribution channels.” *Id.* at Col. 5: ll. 36-38. Nowhere, however, does *Arnold* disclose, or even suggest, a method for providing access to an online service that includes, *inter alia*, “collecting, by [a] first electronic appliance, information relating to [a] user’s use of [an] online service,” as recited in claim 21. Accordingly, *Arnold* fails to cure the deficiencies of *Sudia*.

For at least the above reasons, *Sudia* and *Arnold*, whether viewed separately or in combination, fail to disclose or suggest each and every feature recited in claims 24-25, and therefore do not render these claims obvious. Accordingly, Applicants respectfully submit that claims 24-25 are allowable and request reconsideration and withdrawal of the rejection of these claims under 35 U.S.C. §103.

Claim 28

Claim 28 depends from claim 21 and stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Sudia* in view of *Boulton*. As discussed above, *Sudia* fails to disclose, or even suggest, a method for providing access to an online service that includes, *inter alia*, “collecting, by [a] first electronic appliance, information relating to [a] user’s use of [an] online service,” as recited in claim 21. Applicants respectfully submit that *Boulton* fails to teach this element as well.

Boulton generally discloses methods and apparatuses relating to obtaining self-reported user feedback. See e.g., *Boulton*, Col. 3: ll. 56-57. More particularly, *Boulton* discloses use of a “feedback viewing interface ... [that] receives feedback data from one or more users and presents the feedback data to a reviewer.” *Id.* at Col. 3: ll. 59-62. The feedback viewing interface includes, for example, feedback dialog and feedback message boxes which are populated by a user to provide self-reported feedback. *Id.* at Col. 4: ll. 20-23. Nowhere, however, does *Boulton* disclose or suggest a method for providing access to an online service that includes, *inter alia*, “collecting, by [a] first electronic appliance, information relating to [a] user’s use of [an] online service,” as recited in claim 21. Accordingly, *Boulton* fails to cure the deficiencies of *Sudia*.

For at least the above reasons, *Sudia* and *Boulton*, whether viewed separately or in combination, fail to disclose or suggest each and every feature recited in claim 28, and therefore do not render claim 28 obvious. Accordingly, Applicants respectfully submit that claim 28 is allowable and request reconsideration and withdrawal of the rejection of claim 28 under 35 U.S.C. §103.

Claim 30

Claim 30 (which depends from claim 21) stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Sudia* in view of *Doggett*. As discussed above, *Sudia* fails to disclose or suggest a method for providing access to an online service that includes, *inter alia*,

“collecting, by [a] first electronic appliance, information relating to [a] user’s use of [an] online service,” as recited in claim 21. Applicants respectfully submit that *Doggett* also does not teach or suggest this element.

Doggett generally discloses electronic instruments for effectuating the secure transfer of electronic funds. See e.g., *Doggett*, Col. 1: ll. 4-5. More particularly, *Doggett* discloses a “computer-based method in which an electronic instrument [that includes an electronic signature of a payer] is created for effectuating a transfer of funds from an account of the payer in a fund-holding institution to a payee.” *Id.* at Col 3: ll. 2-6. Nowhere, however, does *Doggett* disclose or suggest a method for providing access to an online service that includes, *inter alia*, “collecting, by [a] first electronic appliance, information relating to [a] user’s use of [an] online service,” as recited in claim 21. Accordingly, *Doggett* fails to cure the deficiencies of *Sudia*.

For at least the above reasons, *Sudia* and *Doggett*, whether viewed separately or in combination, fail to disclose or suggest each and every feature recited in claim 30, and therefore do not render claim 30 obvious. Accordingly, Applicants respectfully submit that claim 30 is allowable and request reconsideration and withdrawal of the rejection of claim 30 under 35 U.S.C. §103.

Claim 31

Claim 31 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Sudia* in view of *Doggett* in further view of *Gifford*. As discussed above with respect to the Examiner’s rejection of claim 30 from which claim 31 depends, *Sudia* and *Doggett* fail to disclose or suggest a method for providing access to an online service that includes, *inter alia*, “collecting, by [a] first electronic appliance, information relating to [a] user’s use of [an] online service,” as recited in claim 21. Applicants respectfully submit that *Gifford* fails to cure this deficiency.

Gifford generally discloses a “network sales system for enabling users to purchase products using a plurality of buyer computers that communicate over a network with a plurality of merchant computers.” *Gifford*, Col. 3: ll. 14-17. Nowhere, however, does *Gifford* disclose, or

even suggest, a method for providing access to an online service that includes, *inter alia*, “collecting, by [a] first electronic appliance, information relating to [a] user’s use of [an] online service,” as recited in claim 21. Accordingly, *Gifford* fails to cure the deficiencies of *Sudia* and *Doggett*.

For at least the above reasons, *Sudia*, *Doggett*, and *Gifford*, whether viewed separately or in combination, fail to disclose or suggest each and every feature recited in claim 31, and therefore do not render claim 31 obvious. Accordingly, Applicants respectfully submit that claim 31 is allowable and request reconsideration and withdrawal of the rejection of claim 31 under 35 U.S.C. §103.

Claims 34-35

Claims 34-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Sudia* in further view of *Rebane*. Claims 34-35 depend from claim 21 and therefore incorporate all of the elements recited in claim 21. As discussed above, *Sudia* fails to disclose or suggest a method for providing access to an online service that includes, *inter alia*, “collecting, by [a] first electronic appliance, information relating to [a] user’s use of [an] online service,” as recited in claim 21. Applicants respectfully submit that *Rebane* fails to cure at least the aforementioned deficiencies of *Sudia*.

Rebane generally discloses a “system and method to efficiently deliver multimedia interactive and linear programming on a large-scale network.” *Rebane*, Abstract. Nowhere, however, does *Rebane* disclose or suggest a method for providing access to an online service that includes, *inter alia*, “collecting, by [a] first electronic appliance, information relating to [a] user’s use of [an] online service,” as recited in claim 21. Accordingly, *Rebane* fails to cure the deficiencies of *Sudia*.

For at least the above reasons, *Sudia* and *Rebane*, whether viewed separately or in combination, fail to disclose or suggest each and every feature recited in claims 34-35, and therefore do not render these claims obvious. Accordingly, Applicants respectfully submit that

claims 34-35 are allowable and request reconsideration and withdrawal of the rejection of these claims under 35 U.S.C. §103.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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